

LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

Planning/Zoning, Land Design & Development Meeting

Tuesday, February 19, 2008

2:00 P.M.

Third Floor, City Hall

Present:
Chairman: CM Owen
Vice Chair: CM Stuckel
Members: CM Heiner, CM Flood, CM Raque Adams, and CM Hamilton

NOTE: CM Ward-Pugh is no longer a member of this Committee, there is a vacancy for that position

Special Items for Discussion: NONE

Chairman Owen began the meeting by introducing the members and non-members of the committee that were present. A quorum was established.

AGENDA

[O-05-01-08 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO OR-1 OFFICE RESIDENTIAL ON PROPERTY LOCATED AT 4616 GREENWOOD ROAD, CONTAINING .27 ACRE AND BEING IN LOUISVILLE METRO \(CASE NO. 8609\).](#)

Status: In Committee - Held

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Julie Raque Adams and seconded by Cheri Bryant Hamilton.

Motion to Amend as follows was made by Julie Raque Adams and seconded by Hal Heiner.

- **Section I:** That the property located at 4616 Greenwood Road, containing .27 acre and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 8609, is hereby rezoned from R-4 Single-Family Residential to OR-1 Office Residential, provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 8609.

The Amendment passed.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams

Against: (None)

Abstain: (None)

Absent: Glen Stuckel, Madonna Flood

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on December 20, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Blackwell's District. The proposed use is for Office. A power point presentation was given. The following were items of discussion and concern:

- Dedication of right-of-way on Greenwood Road
- Access
- Materials used to enclose garage
- Parking
- Sidewalks
- OR uses

This Ordinance as amended was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams

Against: (None)

Abstain: (None)

Absent: Glen Stuckel, Madonna Flood

[O-06-01-08 AN ORDINANCE CHANGING THE ZONING FROM C-1 COMMERCIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 3008 – 3010 BARDSTOWN ROAD \(TAX BLOCK 80G, LOTS 89 & 90\), CONTAINING 1400 SQUARE FEET AND BEING IN LOUISVILLE METRO \(CASE NO. 9155\).](#)

Status: In Committee - Held

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Julie Raque Adams.

Motion to Amend as follows was made by Hal Heiner and seconded by Cheri Bryant Hamilton.

- **Section I:** That the property located at 3008 – 3010 Bardstown Road (Tax Block 80G, Lots 89 & 90), containing 1400 square feet and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 9155 is hereby rezoned from C-1 Commercial to C-2 Commercial, provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 9155.

The Amendment passed.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams

Against: (None)

Abstain: (None)

Absent: Glen Stuckel, Madonna Flood

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on December 20, 2007. No one spoke in opposition and 1 spoke as an interested party. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Owen's District. The proposed use is for outdoor dining. A power point presentation was given. The following were items of discussion and concern:

- Outdoor patio space
- Live Music
- Noise
- 8 Foot wall at rear of site will be put up

Motion to Amend by revising binding element 5b as follows was made by Cheri Bryant Hamilton and seconded by Hal Heiner.

- 5b. ~~There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or PA system (audible beyond the property line or permitted on the site).~~ There shall be no live entertainment conducted on or associated with the outdoor patio. Any music provided for the outdoor dining area shall comply with the noise ordinance restrictions.

The Amendment passed.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams

Against: (None)
Abstain: (None)
Absent: Glen Stuckel, Madonna Flood

CM Owen spoke stating he is in favor of this zoning change.

The following was also discussed:

- Food storage
- Do not want this space to be used as a bar
- No public entrance

Motion to Amend was made by Tom Owen and seconded by Cheri Bryant Hamilton to add a binding element regarding the prohibition of an outside bar.

Motion to Table the ordinance so Assistant County Attorney Jonathan Baker could speak with the Attorney for the Applicant regarding the prohibition of an outside bar, was made by Julie Raque Adams and seconded by Hal Heiner.

The Ordinance was Tabled.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams
Against: (None)
Abstain: (None)
Absent: Glen Stuckel, Madonna Flood

Motion to Untable was made by Julie Raque Adams and seconded by Cheri Bryant Hamilton.

The Ordinance was untabled

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams
Against: (None)
Abstain: (None)
Absent: Glen Stuckel, Madonna Flood

Motion to Amend by adding binding element Number 7 as follows was made by Tom Owen and seconded by Cheri Bryant Hamilton.

- 7. There shall be no freestanding or attached structure or mechanism by which alcohol is dispensed within the outdoor C-2 Commercial area. Instead, alcohol shall be dispensed to the outdoor C-2 Commercial area from with inside the restaurant.

Chairman Owen opened the floor to interested parties comments. There were no comments.

The Amendment passed.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams
Against: (None)
Abstain: (None)
Absent: Glen Stuckel, Madonna Flood

The Ordinance as amended was sent to **Old Business**

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams
Against: (None)
Abstain: (None)
Absent: Glen Stuckel, Madonna Flood

[O-07-01-08 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 8306 HUDSON LANE AND 5616 BARDSTOWN ROAD, CONTAINING 1.5 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 9157\).](#)

Status: In Committee - Held
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Hal Heiner and seconded by Julie Raque Adams.

Motion to Amend as follows was made by Julie Raque Adams and seconded by Tom Owen.

- **Section I:** That the property located at 8306 Hudson Lane and 5616 Bardstown Road, containing 1.5 acres and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 9157, is hereby rezoned from R-4 Single-Family Residential to C-1 Commercial, provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 9157.

The Amendment passed

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams
Against: (None)
Abstain: (None)
Absent: Glen Stuckel, Madonna Flood

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on December 20, 2007. No one spoke in opposition and 1 spoke as an interested party. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Engel's District. The proposed use is for a bank and retail. A power point presentation was given. The following were items of discussion and concern:

- Access
- Bill Board is to be removed when the lease is up
- Screening and buffering
- Consistent and compatible with adjacent properties
- Expansion of existing center

The Ordinance as amended was sent to **Old Business**

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams
Against: (None)
Abstain: (None)
Absent: Glen Stuckel, Madonna Flood

[O-09-01-08 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO R-R RURAL RESIDENTIAL ON 73 PARCELS OF PROPERTY AS IDENTIFIED FURTHER IN THE ATTACHED LEGAL DESCRIPTIONS, LOCATED IN THE THIXTON LANE AREA, CONTAINING 466.03 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 9868\)](#)

Status: In Committee - Held

Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Hal Heiner and seconded by Julie Raque Adams.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on December 6, 2007. One spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Engel's District. A power point presentation was given. The following were items of discussion and concern:

- Streams, Wells, Sink holes
- Infrastructure deficiencies
- No Sidewalks

Motion to Amend as follows was made by Julie Raque Adams and seconded by Hal Heiner.

- AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R-R RURAL RESIDENTIAL ON 732 PARCELS OF PROPERTY, AND 1011 THIXTON LANE (TAX BLOCK 0087 LOT 0243 SUB LOT 0000) SHALL REMAIN R-4 SINGLE-FAMILY RESIDENTIAL, AS IDENTIFIED FURTHER IN THE ATTACHED LEGAL DESCRIPTIONS, LOCATED IN THE THIXTON LANE AREA, CONTAINING 466.03 461.10 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 9868) (AS AMENDED)
- **Section I:** That the properties located in the Thixton Lane Rezoning Area, as that term is defined in the minutes and records of the Planning Commission in Case No. 9868, containing 466.03 461.10 acres and being in Louisville Metro, more particularly described in said minutes and records, are hereby rezoned from R-4 Single Family Residential to R-R Rural Residential, and 1011 Thixton Lane (tax block 0087 lot 0243 sub lot 0000) shall remain R-4 Single-Family Residential, as identified further in the attached legal descriptions.

The Amendment passed.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams
Against: (None)
Abstain: (None)
Absent: Glen Stuckel, Madonna Flood

The Ordinance as amended was sent to **Old Business**

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams
Against: (None)
Abstain: (None)
Absent: Glen Stuckel, Madonna Flood

[O-28-02-08 AN ORDINANCE CHANGING THE ZONING FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R 6 MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 600 ENGLISH STATION WAY, CONTAINING A TOTAL OF 42.98 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 8940\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Discussion: This item remained **Held in Committee**.

[O-13-01-08 AN ORDINANCE ADOPTING THE BUTCHERTOWN NEIGHBORHOOD PLAN AND ADOPTING THE EXECUTIVE SUMMARY OF THE PLAN AS AN AMENDMENT TO CORNERSTONE 2020, THE COMPREHENSIVE PLAN \(CASE NOS. 10114 AND 10118\).](#)

Status: In Committee - Held

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor:

David Tandy

Tina Ward-Pugh

Motion to Approve was made by Julie Raque Adams and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on January 3, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Tandy's District. A power point presentation was given. The following were items of discussion and concern:

- Review of the case from start to present
- Walking survey
- Neighborhood Plans have two components
 - Land Use Community Form
 - Mobility
- Land use recommendations
- Revision of boundaries along riverfront
- Policy and Programmatic Recommendations
- Infrastructure/Capital Improvement Recommendations
- Ohio River Bridges Project Impact
- Keys to Implementation
- Is already a Landmarks Preservation District

The Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams

Against: (None)

Abstain: (None)

Absent: Glen Stuckel, Madonna Flood

[O-14-01-08 AN ORDINANCE ADOPTING THE PHOENIX HILL NEIGHBORHOOD PLAN AND ADOPTING THE EXECUTIVE SUMMARY OF THE PLAN AS AN AMENDMENT TO CORNERSTONE 2020, THE COMPREHENSIVE PLAN \(CASE NOS. 10115 AND 10119\).](#)

Status: In Committee - Held

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: David Tandy

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on January 3, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Tandy's District. A power point presentation was given. The following were items of discussion and concern:

- Review of the case from start to present
- Land use recommendations
- Policy and Programmatic Recommendations
- Infrastructure/Capital Improvement Recommendations
- Ohio River Bridges and Medical Campus Projects Impact
- Keys to Implementation

The Ordinance was sent to the **Consent Calendar** on the 2/28/2008 Council Agenda

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams

Against: (None)

Abstain: (None)

Absent: Glen Stuckel, Madonna Flood

[O-27-02-08 AN ORDINANCE ADOPTING THE TYLER RURAL SETTLEMENT NEIGHBORHOOD PLAN AND ADOPTING THE EXECUTIVE SUMMARY OF THE PLAN AS AN AMENDMENT TO CORNERSTONE 2020, THE COMPREHENSIVE PLAN \(CASE NOS. 10111 AND 10116\).](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Stuart Benson

Motion to Approve was made by Julie Raque Adams and seconded by Cheri Bryant Hamilton.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on January 17, 2008. No one spoke in opposition and two spoke neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Benson's District. A power point presentation was given. The following were items of discussion and concern:

- Review of the case from start to present
- 600 Acres with about half being the Black Acre Nature Preserve
- Land use recommendations
- Special District Design Recommendations
- Policy and Programmatic Recommendations
- Infrastructure/Capital Improvement Recommendations
- Multi-use path along Tucker Station Road and Taylorsville Road
- Connections to Floyds Fork
- Urton Lane Impact
- Traffic
- Black Acre Nature Preserve Preservation
- Keys to Implementation
- Density along main corridors
- Boundaries are derived from the Special District and National Register District boundaries that already exist

CM Benson, who's District this is in, is in support of this ordinance.

The Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams

Against: (None)

Abstain: (None)

Absent: Glen Stuckel, Madonna Flood

[R-24-02-08 A RESOLUTION REQUESTING THE LOUISVILLE METRO PLANNING COMMISSION TO HOLD A PUBLIC HEARING, AND FORWARD ITS RECOMMENDATION TO THE METRO COUNCIL REGARDING A REZONING OF CERTAIN PROPERTIES IN THE DERBYSHIRE ESTATES SUBDIVISION.](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Stuart Benson

Motion to Approve was made by Hal Heiner and seconded by Julie Raque Adams.

Discussion: CM Benson spoke to the item stating he and the majority of the people in Derbyshire Estates are in favor of this Resolution.

The Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 2

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Julie Raque Adams

Against: (None)

Abstain: (None)

Absent: Glen Stuckel, Madonna Flood

Motion to Adjourn was made by Cheri Bryant Hamilton and seconded by Hal Heiner.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on February 28, 2008.**

Without objection the meeting adjourned at 3:40 p.m.

KQG